

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PRAGMATUS TELECOM, LLC,

Plaintiff,

v.

BROTHER INTERNATIONAL
CORPORATION,

Defendant.

Civil Action No. 12-1538-RGA

DEMAND FOR JURY TRIAL

**BROTHER INTERNATIONAL CORPORATION’S MOTION TO STAY
PENDING REEXAMINATION OF THE PATENTS-IN-SUIT**

Defendant Brother International Corporation (“Brother”), by and through its undersigned counsel, hereby moves to stay¹ the above-captioned action pending the *ex parte* reexamination of U.S. Patent No. 6,311,231 (“the ‘231 Patent”) and the *inter partes* reexamination of U.S. Patent No. 6,668,286 (“the ‘286 Patent”).²

In support thereof, Brother respectfully joins in and incorporates the arguments set forth in the well-reasoned briefs (the “Briefs”) of Defendants HSN, Inc. (C.A. No. 12-1546, D.I. 10)

¹ A motion to stay tolls the time for Brother to respond to the Amended Complaint. *See, e.g., Intravascular Research Ltd. v. Endosonics Corp.*, 994 F. Supp. 564, 567 n.3 (D. Del. 1998) (“Historically, motions to stay have been recognized as tolling the time period for answering a complaint because pre-answer consideration of these motions have been found to maximize the effective utilization of judicial resources.”); *see also* 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE § 1360, 86 (3d ed. 2004).

² Plaintiff Pragmatus Telecom, LLC (“Pragmatus”) has alleged, *inter alia*, that Brother infringes “directly one or more claims of” U.S. Patent Nos. 6,311,231 and 6,668,286. *See* D.I. 9, ¶¶ 10, 13.

and Bosch Security Systems Inc. (C.A. No. 12-1650, D.I. 10), to which other similarly situated defendants in other related civil actions have also joined.

Brother hereby incorporates by reference the arguments set forth in the Briefs as if fully set forth herein. Brother expressly reserves and preserves its right to supplement this joinder, including, but not limited to, presenting any additional argument(s) in connection with each of the Briefs. Further, nothing herein may be construed to waive or otherwise impair any right that Brother may have, including any defenses in law or equity.

For the foregoing reasons, Brother respectfully requests that this action be stayed pending reexamination of the '231 and '286 patents.

Dated: February 27, 2013

GIBBONS P.C.

By: /s/ Christopher Viceconte
Christopher Viceconte (No. 5568)
1000 N. West Street Suite 1200
Wilmington, DE 19801-1058
Telephone: 302-295-4875
Facsimile: 302-295-4876
E-Mail: cviceconte@gibbonslaw.com

*Attorney for Defendant
Brother International Corporation*